

2013 DRAFT ARTICLE AMEND TOWN BYLAWS
(Majority vote) **CHAPTER S - COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to amend Chapter S of the general Bylaws of the Town (the Community Preservation Committee Bylaw) as follows:

1. Delete Section 3.2, which prescribes the appropriate recommendations for use of funds the Committee shall make for open space, historic resources and community housing, and replace it with the following new Section 3.2:

The Committee shall make recommendations in proper form to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended: provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

[Section 3.2 currently reads:

“The Committee shall make recommendations in proper form to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.”

2. Delete Section 3.4, which prescribes the percentage of annual revenues in Community Preservation Funds that shall be set aside for later spending and replace it with the following new Section 3.4:

In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space, historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee’s administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.

[Section 3.4 currently reads:

“In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee’s administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.”

Or take any other action relative thereto.

SUMMARY

The proposed amendments make Chapter S consistent with the legislative changes made to M.G.L Ch. 44B (Community Preservation Act) signed by Governor Patrick Duval on July 8, 2012. The first proposed amendment, Section 3.2, modifies the allowable uses of CPA funds to permit the rehabilitation of existing recreational land not created or acquired with CPA funds. It also adds a prohibition on using CPA funds to acquire artificial turf for athletic fields and clarifies that CPA funds shall not be used for maintenance. The second proposed amendment, Section 3.4, removes the prohibition of using the annual 10% open space set-aside fund on passive and active recreation projects.

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Selectman assigned: _____: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
